



Docket No. JJM-381

6-12

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Watt et al.

Serial No. : 09/164,793

Art Unit: 3721

Filed : October 1, 1998

Examiner: Gary Jackson

For : BIOPOLYMER SPONGE TUBES, SURGICAL STAPLERS AND  
METHODS OF USE THEREOF

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December 14, 1999

(Date)

Theodore J. Shatynski

Name of applicant, assignee, or Registered Representative

*Theodore J. Shatynski*

(Signature)

December 14, 1999

(Date of Signature)

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE**

Dear Sir:

This correspondence is in response to the Office Action  
mailed September 15, 1999 relating to the above-identified patent  
application.

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The present invention further provides the use of a biopolymer sponge tube for preparation of a surgical stapler as described above for use in surgery .

Igaki discloses a suturing material "formed by sewing a sheet shape suturing material into a bag shape having a closed leading end by using a suturing thread" (col. 2, lines 6-8). However, clearly the disclosed "sutured bag" of Igaki is not a "sponge tube" as claimed by applicants.

Artandi relates to collagen sponges and the preparation thereof. However, there appears to be no disclosure relating to forming sponge tubes as claimed by applicants.

Haynes relates to biopolymer composites, but again, there appears to be no disclosure relating to forming sponge tubes as claimed by applicants.

The Examiner cited Igaki for disclosing "a tube having one end closed formed of chitin. However, a sponge texture is not

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clearly disclosed." The Examiner cited Artandi and Haynes for disclosing formation of "collagen material with sponge-like texture for the medical purposes." The Examiner then concludes obviousness based on the foregoing disclosures.

This rejection is respectfully traversed. As noted by the Applicants above, Igaki does not disclose a "tube" but only a "suturing material formed by sewing a sheet shape suturing material into a bag shape having a closed leading end by using a suturing thread." Further Igaki contains no suggestion to use or form a "sponge tube". The Examiner's reading of Igaki's "sutured bag" to disclose a tube is not seen. Clearly, neither Igaki nor its combination with Artandi and Haynes renders Applicants' invention obvious. Therefore, this rejection is respectfully requested to be withdrawn.

Based on the foregoing, Applicants believe the application is now in condition for allowance. Favorable reconsideration and early notice of allowance are earnestly solicited. If any questions arise which can be disposed through interview, the

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Examiner is encouraged to contact Applicants' attorney at the  
telephone number listed below.

Respectfully submitted,

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